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April 7, 2013

Via Electronic Mail (CoteNYSDchambers@nysd.uscourts.gov)

The Honorable Denise L. Cote
United States District Judge
500 Pearl Street, Room 1610
New York, New York 10007-1312

Re: *FHFA v. Merrill Lynch & Co., Inc. et al.*, 11-cv-6202; *FHFA v. JP Morgan et al.*, 11-cv-6188; *FHFA v. Deutsche Bank AG et al.*, 11-cv-6192; *FHFA v. Goldman Sachs & Co. et al.*, 11-cv-6198; *FHFA v. Credit Suisse Holdings (USA), Inc. et al.*, 11-cv-6200; *FHFA v. HSBC North America Holdings, Inc. et al.*, 11-cv-6189; *FHFA v. Barclays Bank PLC et al.*, 11-cv-6190; *FHFA v. First Horizon National Corp. et al.*, 11-cv-6193; *FHFA v. Bank of America Corp. et al.*, 11-cv-6195; *FHFA v. Citigroup et al.*, 11-cv-6196; *FHFA v. Nomura Holding America, Inc. et al.*, 11-cv-6201; *FHFA v. SG Americas, Inc. et al.*, 11-cv-6203; *FHFA v. Morgan Stanley et al.*, 11-cv-6739; and *FHFA v. Ally Financial, Inc. et al.*, 11-cv-7010

Dear Judge Cote:

I write on behalf of defendants in the above-referenced actions in response to FHFA's letter to the Court dated April 4, 2013 regarding loan file collection. The Court should reject FHFA's demands because FHFA has failed to exhaust the meet-and-confer process. Despite multiple meet and confers each week between defendants and FHFA on the topic of loan file collection, FHFA did not raise some of its new demands of defendants with defendants prior to seeking assistance from the Court, and has not exhausted the meet-and-confer process as to any of its demands in its April 4 letter. See Judge Cote Individual Practices, 2.C. Moreover, certain of the statements in FHFA's April 4 letter concerning loan files appear to be incorrect and inconsistent with FHFA's prior reports. Defendants are available to meet and confer with FHFA at FHFA's convenience.

Respectfully submitted,



Steven M. Cady

cc: Counsel of record